"TRINITY CHURCH."

TWO LETTERS FROM ONE OF ITS CONGREGATION.

To the Editors of the N. Y. Express:

I belong to one of the congregations of Trinity Church. When I joined it, and paid a certain sum of money for my pew, I supposed that I was acquiring certain rights, such as belong to the members of every congregation or religious society, and that nobody could take these rights from me except "by due course of law."

But it now appears that Mr. Thurlow Weed, Mr. Bradish, Mr. Spencer, Dr. Tyng, Dr. Taylor, Mr. Grinnell and Mr. Minturn are vehemently beseeching the Legislature to take them away, and to pass a law that some ten to fifteen thousand strangers shall come in for an equal share,—that the congregations of Trinity Church shall no longer elect their own church officers, but that all the Episcopalians in New York shall have an equal voice in electing them, whether they have ever seen the inside of Trinity Church or not.

Such a law is, on its face, about as reasonable as a law that the congregation of Grace Church should vote for the Vestrymen of Calvary Church—that the stockholders of the Merchants' Bank should appoint the Directors of the Bank of New York—or that the Mayor and Aldermen of the city of New York should be elected by the inhabitants of all the counties of the State. If it gave me, by way of compensation, a right to

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vote in some one or more of the other churches of the city to which I do not belong; if it enabled me to retaliate on the congregation of Grace Church, should they compel me to listen to a stupid clergyman every Sunday, by imposing some equally dreary and offensive divine upon them, it would still be absurd. But since it gives to strangers a preposterous right of controlling my affairs, without allowing me the equally irrational indulgence of interfering in theirs, it is not only absurd, but one-sided and unjust. Therefore, when I became aware of the proposed measure, I humbly and dutifully took it for granted that there was something special and peculiar in this case which the Legislature, and Mr. Thurlow Weed, and Mr. R. B. Minturn knew, and which I did not know—and which explained what seemed so extraordinary and outrageous.

I proceeded to search for this unknown something, and I diligently read an indefinite number of charters, acts, reports and pamphlets, dating from 1697 to the present time; but the result of my investigation was a total failure. I cannot find out, and I hereby beg to be informed, why the congregations of Trinity Church should be an exception to the general rule that every congregation, Presbyterian, Methodist, Episcopalian, Roman Catholic and Latter Day Saint, elect its own officers—vestrymen, trustees, ruling elders, or whatever they may be;—why these particular congregations should be put in subjection to a crowd of strangers who have no interest in their affairs; and why (if this anomaly must be established,) they should not have the like privilege of invading Grace Church and St. George's, and compelling their rectors to preach in a surplice and their pewholders to obey new and uncongenial sextons. And until I am informed of some good and satisfactory reason for so strange a violation of universal usage and natural right, I beg leave, as one of the individuals injured and disfranchised, to enter my protest against it.

The first reason generally assigned is, that Trinity Church is "rich." This is true. By paying the clergymen of its four churches less by half than the churches up-town pay their rectors, it has an annual surplus of income which it gives away. But if its property belongs to it by law, this is an insufficient reason for taking it away. If the Legislature decide that it

can lawfully take away the property and the rights of Trinity Church, (which are *my* property and *my* rights) on this ground, there will be joy among the disciples of Fourier, when the fact becomes generally known—the Five Points will call for a Committe of Inquiry to investigate the affairs of the Fifth avenue—and bank stocks and real estate (that of the Church and its enemies included) will fall to a lower figure than they have reached within the memory of the oldest Episcopalian inhabitant.

Next it is said—as a second reason—that my agents and servants, the Vestry of Trinity Church, whom I helped to elect last Easter Tuesday, have managed my affairs unwisely; that they have given away money to "High Church" parishes, whereas they ought to have given it to "Low Church" parishes; that they built a chapel on Twenty-fifth street, for members of their own congregation who lived up-town, whereas they ought instead to have brought up all the old down-town churches, whose congregations had moved away, and sold them at a profit for building lots; that when they reported to the Senate the value of their property, they stated that each lot was put down as worth so much on the assessors' books for that year, and for how much each was rented; whereas they ought to have gone farther, and returned opinions as to its value in the market, which any person could determine from these data just as well as they could have done, and generally that "in the opinion of" a number of persons who do not profess to have any special information on the subject, (and who are parties interested in getting away my rights, and many of whom belong to a "committee" appointed by some unknown authority to take measures for getting them away,) the Vestry I employ have not been quite as judicious or quite as efficient as they might have been.

Now, if we, the congregation of Trinity Church, or our agents, have done any legal wrong, or neglected any legal duty, I suppose the Legislature is not the tribunal to try us. That is work which Judges and Attorney Generals are paid to do. And, if neither we nor our agents have done any legal wrong, but have merely managed our own property and affairs less discreetly than we might have done, neither Court, nor Legis-

lature have power to interfere with us. The remedy is to pass general laws, by which the like abuse or neglect may be prevented or remedied for the future. If the Legislature is prevailed on to disfranchise me, and take away my property on grounds like these, I shall certainly ask that powerful body at its next session for a Committee of Inquiry to ascertain whether the pew rents of Grace Church be not too high—whether the Vestry of St. George's did not err grossly when they spent the money that would have built a Free Church, in adjoining their own costly church edifice with a pair of open-work stone steeples—and also, whether the estimable and philanthropic private gentlemen who instigate the present prosecution against me, be not really richer than they appear to be on the assessors' books—whether they give away as much of their income as they ought; and whether their property would not be better taken care of, if I had a share in its management. If they say that all these are questions of private right and private discretion, with which I have nothing to do, I fully admit the force of the objection; but I reply that they cannot set it up after inviting the Legislature to interfere with my private rights, on the ground of an error in the exercise of a private discretion vested in my agents. And if they say that they have legal rights in Trinity Church, though they do not belong to it, I answer that whether they have them or not, is just as much a question of law for the Court, and not for the Legislature, as the question whether I have a right to interfere with the property of St. George's Church, to which I do not belong, or with the stores and dwelling-houses they suppose themselves to own in fee simple absolute.

I know of no other ground than these two, on which it is sought to justify the act of confiscation now pending in the Legislature. Wealthy men and conservative men like those who are active in promoting it, must be visited with judicial blindness, or they would never ally themselves with blind popular clamor against a "wealthy religious corporation," and ask the Legislature to set so perilous a precedent.

The means they have consented to employ are worse, if possible, than the end they seek to attain. It is a dangerous novelty for the Legislature of this State to undertake the deci-

sion of questions, whether one school of theological opinion or another be the authorized creed of a particular church,—and whether one parish church or another is the better entitled to aid and bounty from Episcopalians. It is quite as alarming to find a Committee of the Legislature appointed to enquire into a question of private right sitting with closed doors, taking *ex-parte* evidence "of opinion" from the very men who have constituted themselves, or been constituted by others, a "committee" to attack those rights, refusing even a copy of the testimony thus taken to the parties interested in upholding them, and then suddenly putting on record, without notice or opportunity of defence to the party assailed, a report like that of last January, in which even the worst insinuations embodied in the vague hear-says thus collected are adopted and exaggerated.

Perhaps I may trouble you with some further suggestions on this subject. It deserves attention. The rights of the ancient Corporation now assailed, are of some dignity and of some importance—but they are insignificant when compared with the general security of private property, the stability of private right, and the honor of the State of New York; and these are in equal jeopardy.

March 21st, 1857. O.

TRINITY CHURCH.

To the Editors of the N. Y. Express:

I lifted up my voice, a day or two since, in humble protest against certain singular liberties which the Legislature is invited to take with my rights and property in a certain church to which I belong. I then expressed my firm and unalterable conviction that the grounds on which that proceeding is commonly defended, to wit—that my church is a rich corporation—that my vestry gives away its surplus income injudiciously—and that its leasehold property is not so well improved by its tenants as it might be if they owned the same in fee—are not (if true in fact) conclusive against me in law or logic; and that it would be more to the purpose to establish, as the first step of the argument, that the rights and property in question do not legally belong to me, but do legally belong to the Hon. Mark Spencer and Messrs. Grinnell and Minturn, and the other estimable gentlemen who are trying to get them away from me, or to somebody else. When this point is settled, one way or the other, these minor questions may safely be left open as historic doubts for the discussion of antiquarians yet unborn.

But whether it is thought worth while to discuss them now or hereafter, I distinctly except to the report, or adjudication thereon, lately made to the Senate by the Hon. Mark Spencer and his two colleagues of the "Committee of Inquiry," and protest against its conclusions as absolutely without weight, wherever they are unfavorable to me and to my rights, which is equivalent to a protest against all of them.

For, in the first place, the able and excellent Chairman of that Committe is unfit to be a judge, because he is a party. He is one of the "Episcopalian inhabitants of the city not belonging to the congregations of Trinity Church," to whom he declares that the rights and property of myself and others who do belong to those congregations ought to be transferred. Human nature is lamentably weak, and prone to err. When a Judge or a Senator undertakes to decide whether he ought or ought not to have a share in controlling property, he considers (though

erroneously) to be worth several millions of dollars, there is a certain possibility of some secret unconscious bias that may insensibly affect the even balance of his judicial mind. It may be only a remote possibility, but it is sufficient, in the common opinion of mankind, to convert his decision into waste paper, particularly if he decide in his own favor, as Mr. Spencer has decided in this case.

But the same gentleman is also reported to be an earnest-minded and zealous leader and counsellor of the clique or party of wealthy Episcopalians who are paying the bills and telegraphing instructions to the lobby in this very campaign against me and my church, and one of the instigators and prosecutors of this very movement, in the progress of which he has been deciding (and will again be called on to decide by his final vote), on my rights and my property.

And however this may be, it is plain on the face of his own printed report of the proceedings of his own Committee, that he has sought to combine the somewhat inconsistent offices of prosecutor, counsel for the prosecution, party, juryman, and judge; and that in the performance of these complex duties, he has seldom forgotten that he was a plaintiff and a partizan, and has frequently forgotten that he was anything else.

And I object to this gentleman's judgment that my property shall be taken away and given to somebody else (whether that somebody want it for his own private ends, or in order to build Free Churches for the Fifth avenue), because he is compelled (by the pressure of his manifold duties as a legislator), to decide complex questions of fact, and examine voluminous testimony so hurriedly that he mis-states what witnesses have sworn on material points, and quotes them as saying exactly the reverse of what they said according to the printed testimony annexed to his own report. Thus, when Mr. Gulian C. Verplanck swears that the Vestry of Trinity Church imposed a certain condition on the letting of pews in their new Chapel in order to prevent persons getting possession of them who "had no sympathies with us or with any Church," Mr. Spencer reports to the Senate that, according to Mr. Verplanck, the object was to exclude such persons as "had no sympathy with the Vestry." A single blunder like this, on any point however insignificant

or collateral, destroys the credit and value of any report or decision. But this is only a specimen of many blunders; and this point was held by the committee neither insignificant nor collateral. It had been a special subject of ignorant misrepresentation. It stands prominent among the charges of misconduct, on which the committee considered themselves to be passing judicially. Yet they certify to the Senate and to the community, in substance, that one of our most eminent and widely-known citizens stated, of his own knowledge, that the measure in question was a device to shield the vestry of Trinity Church from the interference of any but their own allies and confederates, when he actually stated (if the committee printed his evidence correctly), that it was meant to "guard against the intrusion of a body of pew holders who had no sympathies with us or any other church," or, in other words, speculators, buying pews to sell them at a profit.

Again: another charge, (equally prominent, and, so far as I can learn, equally unfounded) is, that my agents, the Vestry of Trinity Church, are in a state of chronic torpor and paralysis, which is commonly attributed to their financial plethora; that they are so absorbed in the beatific vision of their own corporate assets, as to ignore all their corporate duties; that they have virtually resigned all their corporate functions to two or three of their number called a "Standing Committee," and exist only to register the decrees of that Committee, without presuming to question their propriety. Mr. Verplanck's printed evidence on this point (in "Senate Document No. 95,") is explicit and conclusive; for he swears (of his own knowledge) that the Vestry sometimes adopt the recommendations of this "Standing Committee," and "sometimes, and in *important* matters," reject them. It would seem as if a high order of judicial intellect was not required to grasp this statement or to report it correctly. But Judges and Senators may be so wrapt in the contemplation of schemes of Church extension and expansive benevolence, as to forget the common-place duty of accuracy and caution in dealing with questions affecting the rights of others—particularly rights to property which they yearn to get within their own control, that they may therewith promote their own orthodox faith and put down somebody else's orthodox

faith. What disturbed the judicial accuracy of this "Select Committee of the Senate," it is impossible to say; but it is certain that something disturbed it most effectually, for they pervert Mr. Verplanck' matter-of-fact statement into the precise opposite of what he said—and report that "as Mr. Verplanck quietly observes," the Vestry sometimes overrules its standing committee in "*unimportant matters.*"

It is hardly worth while to spend any more time in pointing out particular mis-statements in the two reports made by this "Select Committee." These are sufficient to show that their conclusions are not reliable, and that if my rights depend at all on these questions of fact, I ought to be tried before some more trustworthy tribunal.

But one may safely go a little further than this. It may confidently be asserted, that even the estimable gentlemen who are now trying to get the control of my church, without the formality of joining its congregation, will themselves confess a year or two hence, when they shall have dismounted their present hobby, that the whole course of this Committee, from first to last, has not been that of a dignified semi-judicial body, candidly and impartially seeking the truth, but has been that of eager prosecutors, rather over-zealous in hunting up evidence to convict, and rather unscrupulous in using it.

The Committee met last fall, in this city—and sitting with closed doors, proceeded to take the testimony of certain witnesses summoned before it. Thirty-three witnesses were examined. Nine testify, generally as experts in real estate, to the estimated amount of the church property. Number ten is a pewholder in Trinity Church, whose name suggests an ancient controversy about the improvement of certain real estate to be accomplished by carrying a street through Trinity Church-yard. Number eleven is James Boorman, Esq., distinguished for his share in the same controversy, and for sundry peppery publications denouncing woes against the vestry of that church for impiously and unpatriotically opposing that improvement. Then there are three assistant ministers of Trinity Church (who had been reported to be dissatisfied with some acts or omissions of its vestry) selected out of nine clergy connected with that parish—three vestrymen of Trinity Church, who were asked to

say very little—the Rev. Dr. Anthon and the Rev. Dr. Tyng, both most excellent and respectable men, but both somewhat conspicuous for open and consistent hostility to that church on theological and party grounds, during the last fifteen years—the Rev. Thomas H. Taylor, who is said to have proclaimed, in a great speech at a late Diocesan Convention, that "we were going to get away the property of Trinity Church, with law if we could, without law if we must,"—General James Watson Webb—half a dozen clergymen, who had made applications to Trinity Church for aid and been denied, and who were naturally disgusted with that church, and necessarily of opinion that its bounty was dispensed most injudiciously—and Messrs. Luther Bradish, John D. Wolfe, Stephen Cambreleng, F. S. Winston, R. B. Minturn and Stewart Brown, who are publishing cards in the newspapers as the "Committee of Episcopalians" by whom this prosecution is got up. These are all, except the Rev. Dr. Muhlenberg, known like the rest as opposed to the policy of Trinity Church, but whose testimony is given with candor and with dignity.

On the evidence of these witnesses, (and marvellous evidence much of it is,) the Committee made a long argumentative report in January last, in which they endorsed every hear-say charge and loose insinuation they could pick out of the testimony, and wound up by declaring that although the Vestry of Trinity Church was probably not actually guilty of swindling, it had undoubtedly acted as it would have done had it intended to swindle. This report was referred back to them. The Church was then for the first time heard, and it produced evidence disproving all the charges *seriatim;* but the Committee, thus committed in favor of the prosecution, could not change its mind, and made a second report, (some features of which have been pointed out above,) steadfastly maintaining its original position.

Now, I am anxious to know by what rule the Committee was guided in selecting its own witnesses—and I humbly ask information on that subject. It is a question of interest to all of us—for if this novel institution of little travelling legislative star-chambers is to form part of our judicial system, we ought to know something about their code of practice.

Why did the Committee—appointed to enquire into the affairs

of Trinity Church—summon so many witnesses who were notoriously ancient and bitter enemies of that church ?

Why did it omit to summon as witnesses any of the clergy of this city, and of the hundreds (or thousands) of respectable and intelligent laymen of the city, who have no connection with Trinity Church, but who are well known to regard, esteem and support it as a venerable and beneficent institution, and its administration as on the whole judicious, though not perfect or infallible ?

Why did it summon so many clergymen who had applied to Trinity Church for aid and had been refused, and why did it summon none who had applied successfully ?

Why did it ask all these avowed enemies of Trinity Church the rather singular question: "Has that Church done *its utmost* to promote the cause of religion?" and why did they omit to ask it of the two or three witnesses who alone could answer it from positive knowledge of the affairs of the Church?

Who paid for the elaborate appraisals of real estate laid before the Committee ?

Did the Committee know that six of their witnesses were six of the prosecutors at whose instance they had been appointed? Was or was not the Committee or its Chairman in constant consultation with them on the subject-matter of their evidence and their prosecution ? Did the Committee or its Chairman furnish them from time to time with full information as to the evidence in progress? Did the Committee receive an application for that evidence from Trinity Church ? was it refused ? and if so, why ?

I shall be glad to hear these questions answered. Till they are answered, I shall reluctantly believe that there has been a confederacy between the parties who seek to get away my rights as a member of Trinity Parish and the committee the Legislature appointed to investigate those rights—and if the brute force of a Legislative ukase take them from me, without the decent form of a judicial proceeding, I shall bear it as best I may, and perhaps console myself by framing a historical parallel between the Committee of Inquiry and the Coroner who sat on the late lamented Dr. Burdell—or an essay on improvements in the existing law of conspiracy, or a lecture on the

analogies between the philanthropists who began the French Revolution and the conservative churchmen who first taught the people of New York the luxury of confiscation.

But I hope and believe I shall not be driven to this.

In 1835, charges of misconduct were made in the Senate against another corporate body—Columbia College—and there was a Select Committee, an inquiry, and a report. I have just picked out that report from a pile of pamphlets, and there is consolation in its concluding pages. The able and impartial Committee on that case seem to have found affirmatively that the College might have erred more or less in the execution of its corporte duties. Certain proposed amendments to its charter had been laid before the Committee, as certain material amendments to the charter of Trinity Church, so material as to enable strangers, not of its congregation, to pull it down or turn it into a depot for a Broadway Railroad whenever they like,) are now submitted to the Legislature. The Committee dispose of this question by saying:—

"The Charter is a contract between the State and the Corpo-
" rators, and is not revocable without the consent of the Cor
" poration. Any alteration or amendment would be a violation
" of that part of the Constitution of the United States which
" prohibits State Legislatures from enacting laws to impair the
" obligations of contracts." The Legislature have the right,
" and they have often exercised it, to send out their Committees
" to investigate the alleged abuses and neglects of such Corpo-
" rations; and if such charges are sustained by evidence, and it
" is made to appear that the Corporation have violated their
" Charter in any material part or parts, it becomes the duty of
" the Committee to report a Bill, authorizing and directing
" judicial proceedings to be instituted, with a view to the for-
" feiture of the Charter. The Legislature can only act effect-
" ually against a Corporation through *the judicial tribunals;*
" but they have the power, and it is their duty in proper cases,
" to direct judicial proceedings to be commenced, to restrain a
" Corporation within proper limits; and in case of charitable
" institutions, to secure the regular administration and strict
" performance of the trust reposed in them."

This is sound doctrine, whether it apply to High Church or Low Church Corporations. If I can be permitted to keep my rights, and my pew, and my share in selecting my clergyman, till they are taken from me by judicial proceedings, before a judicial tribunal, I am content. But I object to giving them up by order of a Committee. O.

March 25, 1857.

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